

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Colleen Mitchell,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08 C 1233
	)	
Marauder Corporation, a California	)	Judge Leinenweber
Corporation, d/b/a Collection	)	
Professional Services and d/b/a	)	
Nationwide Capital Recovery,	)	
	)	
Defendant.	)	

**DECLARATION OF DAVID J. PHILIPPS  
IN SUPPORT OF THE AWARD OF ATTORNEYS' FEES AND COSTS**

I, **David J. Philipps**, declare under penalties of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct and state:

1. I am a member of the Illinois state bar (1987), and the bars of the United States District Court for the Northern (general 1988; trial 1996), the Central (1995), and the Southern (2007) Districts of Illinois and the Northern (2007), and Southern (1997) Districts of Indiana. I am also a member of the bars for the Seventh (1989) and Ninth (1993) Circuits of the United States Court of Appeals, and the bar of the United States Supreme Court (1994).

2. I am a 1984 graduate of Loyola University of Chicago and a 1987 graduate of the University of Illinois College of Law. I served as law clerk to Justice Benjamin K. Miller of the Illinois Supreme Court during 1987 and 1988. From August, 1988, to October, 1999, I practiced with the firm of Beeler, Schad & Diamond, P.C., in Chicago, Illinois, and was a shareholder in that firm from July, 1995, until I left and founded the firm of Gomolinski & Philipps, Ltd., in

November, 1999. My firm is now known as Philipps & Philipps, Ltd., after our partner, William E. Gomolinski, was appointed by the Illinois Supreme Court to be a Judge of the Circuit Court of Cook County in July, 2007.

3. I have been a featured speaker on the Fair Debt Collection

Practices Act at:

- the Chicago Volunteer Legal Services Foundation; the Chicago Legal Clinic and the University of Illinois College of Law Clinical Training Program
- the Bankruptcy Committee of the Chicago Bar Association's Young Lawyers Section;
- a Lorman Business Seminar;
- the 1995 National Consumer Law Conference in San Francisco, California;
- the 1996 National Consumer Law Conference in Washington, D.C.;
- the 1998 National Association of Consumer Advocates Conference in Chicago, Illinois;
- a 2001 Chicago Bar Association seminar;
- the 2004 National Consumer Law Center and The National Association of Consumer Advocates, Kansas City, Missouri, Fair Debt Collection Practices Training Conference
  - Client Retainers, Tape Recording, Class Actions, Punitive Damages;
  - Selected Fair Debt Collection Practices Act Claims; and,
  - FDCPA Claims: Ask The Experts;
- the 2005 National Consumer Law Center and The National Association of Consumer Advocates, Washington, D.C., Fair Debt Collection Practices Training Conference
  - Practice Issues: Discovery, Summary Judgment, Evidentiary Issues, Attorney Fees;
- the 2005 Boston National Association of Retail Collection

Attorneys -- Spring Collection Conference  
-- Mock Appellate Court Argument On Meaningful Attorney Involvement;

- the 2006 National Consumer Law Center and the National Association of Consumer Advocates, Austin, Texas FDCPA Training Conference  
-- Selecting, Developing, Valuing and Settling Fair Debt Collection Letter Cases; and,  
-- Preparing for an FDCPA Trial;
- the 2006 American Bar Association Tort Trial & Insurance Practice Section Business Litigation Committee TeleCLE  
-- Credit Reporting and Debt Collection – The Laws and Your Practice;
- the 2007 National Consumer Law Center and the National Association of Consumer Advocates, Tuscon, Arizona FDCPA Training Conference  
-- Selecting, Developing, Valuing Letter and Overcharge Cases;  
-- Evaluating Debt Buyer Cases for Class Actions; and,  
-- Using Experts to Establish Deception, Damages;
- the 2007 Fall Workshop, National Association of Consumer Bankruptcy Attorneys, Las Vegas, Nevada, October 26-27, 2007;
- the 2007 National Consumer Law Center Consumer Rights Litigation Conference, Washington, D.C., November 8-11, 2007; and,
- the 2008 National Consumer Law Center and the National Association of Consumer Advocates, Nashville, Tennessee FDCPA Training Conference  
-- Selecting, Developing, Valuing Letter and Overcharge Cases;  
-- 10 Best FDCPA Class Actions; and  
-- Electronic Discovery.

4. I have been a member of the Chicago Bar Association's Class Litigation Committee from 1988 to the present and I served as the committee's recent developments coordinator and legislative liaison from 1992-95. I have

lectured about class action lawsuits to the Central Illinois Paralegal Association and the Chicago Volunteer Legal Services Foundation. I have also spoken at the University of Illinois College of Law for the trial advocacy and program.

5. My firm, Philipps & Philipps, Ltd., during the course of this litigation had two other attorneys, Partner Mary E. Philipps, who is a 1987 graduate of the University of Illinois College of Law, and in 1988 earned an LL.M. from the Universität Bielefeld in Germany. Mary earned her Bachelor's degree from Northwestern University in 1983. Mary's practice has been virtually identical to mine. Bonnie C. Dragotto, who is a 2005 graduate of the University of Illinois College of Law. Bonnie also earned her Bachelor's degree from the University of Illinois in 2002. Additionally, my law firm has four paralegals: Heidi Kaplar, Eva Falzone, Patty Olivas and Karen Stanuch.

6. The following is a list of many of the consumer and investment class actions that I have worked on at either my former or current law firm:

- a. Barkman v. Wabash, Inc., et al., 85 C 611 (N.D. Ill.). Co-lead counsel in a securities fraud class action involving self dealing during a merger transaction - \$8.5 million recover for the class through settlement.
  - b. Forester v. Jewel Companies, Inc., 86 C 8498 (Cir. Ct. of Cook Cty.). Lead counsel in a personal injury class action involving milk tainted with salmonellosis - \$2 million in recovery for the class pursuant to settlement.
  - c. Gaskill v. Financial Concepts, 88 C 3404 (N.D. Ill.). Co-lead counsel in a Ponzi scheme/securities fraud class action - \$43 million recovery.
- Southmark v. Cagan, 999 F.2d 216 (7th Cir. 1992)(reversing trial court's refusal to allow receiver for defrauded investors to bring counterclaim for fraudulent conveyance and RICO in lender's mortgage foreclosure action).

·Gaskill v. Gordon, 27 F.3d 248 (7th Cir. 1994)(affirming creation of judicial lien, with a priority over mortgage lender, in favor of receiver for defrauded investors for work done managing property).

·Cagan v. Mutual Benefit Life Insurance Company, 28 F.3d 654 (7th Cir. 1994)(affirming the creation of a judicial lien, in favor of the receiver for work done managing property, with a priority over mortgage lender).

- d. Hess v. I.R.E. Real Estate Income Fund, 88 CH 4670 (Cir. Ct. of Cook Cty.), co-lead counsel in a securities fraud class action case - \$8.9 million recovery (class members received 150% return on funds invested) on behalf of class.  
  
·Hess v. I.R.E. Real Estate Income Fund, 629 N.E.2d 520 (Ill. App. 1993), established that class actions may be brought under the Illinois Securities Law and that class action tolling applies to statutory causes of action.
- e. Spicer v. Chicago Board Options Exchange, 89 C. 2139 (N.D. Ill.). Co-lead counsel in commodities and securities fraud class action against a financial exchange involving the 1987 stock market crash - \$10 million recovery for the class through settlement.
- f. Cagan v. West Suburban Bank of Lombard, 90 C 5582 (N.D. Ill.). Co-lead counsel in securities fraud and RICO class action against a bank for aiding and abetting a Ponzi scheme - \$650,000 recovery through settlement.
- g. Jones v. McKenzie Leasing Corporation, 94 L 6809 (Cir. Ct. of Cook Cty.) Lead Counsel in a consumer fraud and Rental Purchase Agreement Act class action against a rent-to-own company for failing to make required disclosures and for charging unconscionably high prices.
- h. Hasek v. Chrysler Corp., 94 L 11500 (Cir. Ct. of Cook Cty.) Co-lead counsel in a breach of warranty and consumer fraud class action for Jeep vehicles with defective engines.
- i. Naunheimer v. World Cup USA 1994, Inc., 94 CH 5151 (Cir. Ct. of Cook Cty.) Co-lead counsel in a consumer fraud class action regarding the sale and distribution of World Cup soccer tickets.
- j. Tinman v. The County of Will, No. 02 CH 197 (12th Judicial Cir.

Court, Will Cty.) Declaratory judgment action against the County of Will challenging fines imposed for overweight vehicles pursuant to a local ordinance that was never properly enacted.

- k. Slodki v. American Resorts International, No. 02 CH 1787 (Cir. Ct. of Cook Cty.) Pending action against membership resort group for charging unauthorized special assessments to members.
- l. Weizeorick v. 1st Advantage Mortgage, No. 02 CH 3324 (Cir. Ct. of Cook Cty.) Action against mortgage lender for engaging in the unauthorized practice of law by charging a fee to prepare mortgage documents.
- m. Weizeorick v. ABN AMRO Mortgage Group, Inc., No. 02 CH 12806 (Cir. Ct. of Cook Cty.) and No. 01 C 0713 (N.D. Ill.). Pending action against mortgage lender for violations of RESPA, for charging fees for services not provided.

7. The following is a list of the FDCPA cases I have litigated in the

United States Court of Appeals for the Seventh Circuit:

- Evory v. RJM Acquisitions Funding, LLC, 505 F.3d 769 (7th Cir. 2007);
- Ross v. RJM Acquisitions Funding, LLC, 480 F.3d 493 (7th Cir. 2007);
- McMillan v. Collection Professionals, Inc., 455 F.3d 754 (7th Cir. 2006);
- Durkin v. Equifax Check Services, Inc., 406 F.3d 410 (7th Cir. 2005);
- Randolph v. IMBS, Inc., 368 F.3d 726 (7th Cir. 2004);
- Olson v. Risk Management Alternatives, Inc., 366 F.3d 509 (7th Cir. 2004);
- Taylor v. Cavalry Inc., L.L.C., 364 F.3d 572 (7th Cir. 2004);
- Hyman v. Tate and Kirlin, 362 F.3d 965 (7th Cir. 2004);
- Chuway v. National Action Financial Services, Inc., 362 F.3d 944 (7th Cir. 2004);

- Dechert v. Cadle Co., 333 F.3d 801 (7th Cir. 2003); and 441 F.3d 474 (7th Cir. 2006);
- Horkey v. J.V.D.B. & Associates, Inc., 333 F.3d 769 (7th Cir. 2003);
- Turner v. J.V.D.B. & Associates, Inc., 330 F.3d 991 (7th Cir.2003);
- Davis v. Hutchins, 321 F.3d 641 (7th Cir. 2003);
- Sanders v. Jackson, 209 F.3d 998 (7th Cir. 2000);
- Bailey v. Security Nat. Servicing Corp., 154 F.3d 384 (7th Cir. 1998);
- Berman v. GC Services Ltd. Partnership, 146 F.3d 482 (7th Cir. 1998);
- Jang v. A.M. Miller and Associates, 122 F.3d 480 (7th Cir. 1997);
- Newman v. Boehm, Pearlstein & Bright, Ltd., 119 F.3d 477 (7th Cir. 1997); and,
- Gammon v. GC Services Ltd. Partnership, 27 F.3d 1254 (7th Cir. 1994).

Additionally, I have litigated the following non-FDCPA cases in the United States Court of Appeals for the Seventh Circuit:

- Fisher v. Apostolou, 155 F.3d 876 (7th Cir. 1998)
- Wiggins v. Martin, 150 F.3d 671 (7th Cir. 1998).

I have also litigated the following cases before the Illinois Appellate Court:

- Doll v. Bernard, 218 Ill.App.3d 719, 578 N.E.2d 1053, 161 Ill.Dec. 407 (Ill.App. 1 Dist. 1991)
- Hess v. I.R.E. Real Estate Income Fund, Ltd., 255 Ill.App.3d 790, 629 N.E.2d 520, 195 Ill.Dec. 935 (Ill.App. 1 Dist. 1993)
- Kugler v. Southmark Realty Partners III, 309 Ill.App.3d 790, 723 N.E.2d 710, 243 Ill.Dec. 407 (Ill.App. 1 Dist. 1999)

I also helped prepare an amicus brief, *pro bono*, for the Chicago Bar Association

for a matter before the Illinois Supreme Court concerning professional responsibility and attorney ethics:

- In Re Marriage of Decker, 153 Ill.2d 298, 606 N.E.2d 1094, 180 Ill.Dec. 17 (Ill. 1993)

8. The following is a list of the Fair Debt Collection Practices Act class actions in which I have been appointed class counsel in contested class certification proceedings:

- a. Blum v. ACB Business Services, No. 93 C 5210 (N.D. Ill.)(Judge Nordberg). Certified by Minute Order dated March 20, 1995;
- b. Gammon v. G.C. Services Limited Partnership, No. 93 C 5338 (N.D. Ill.) (Judge Castillo). Certified in opinion at 162 F.R.D. 313 (N.D. Ill 1995). See also, Gammon v. G.C. Services Limited Partnership, 27 F.3d 1254 (7<sup>th</sup> Cir. 1994)(reversing a sua sponte dismissal of the case and establishing the “unsophisticated consumer” as the standard in the 7th Circuit);
- c. Blum v. Fisher and Fisher, No. 96 C 2194, 1997 WL 433630 (N.D. Ill. July 29, 1997)(Judge Moran). Certified by Minute Order dated July 29, 1997;
- d. Mitchell v. Allied Interstate, Inc., No. 97 C 7177 (N.D. Ill.) (Judge Leinenweber). Certified by Minute Order dated June 24, 1998;
- e. Young v. Meyer & Njus, P.A., No. 96 C 4809 (N.D.Ill.1998) (Judge Bucklo). Denied motion to de-certify Rule 23(b)(2) class of 5,000 recipients of form collection letters, which had been certified by stipulation, 1998 WL 748271;
- f. Jenkins v. Union Corp., No. 96 C 3440 (N.D.Ill.1998) (Judge Castillo). Certified by Minute Order dated September 24, 1998;
- g. Ryan v. Transworld Systems, Inc., No. IP 97-0595-C M/S (S.D.Ind.) (Judge McKinney). Certified by Order dated February 22, 1999;



- h. Walker v. Equifax Check Services, Inc., No. IP98-885-C-D/F (S. D. Ind.)(Judge Dillin). Certified by Order dated April 28, 1999;
- i. Hardrick v. Dun & Bradstreet, Inc., No. 98 C 4973 (N.D. Ill.) (Judge Zagel). Certified by Minute Order dated August 26, 1999;
- j. Seposs v. NCO Financial Systems, Inc., No. 99 C 7147 (N.D. Ill.) (Judge Gettleman). Certified by Minute Order dated May 31, 2000;
- k. Zoch v. ExTerra Credit Recovery, Inc., No. IP99-1541-C-M/S (S.D. Ind.) (Judge McKinney). Certified by Order dated July 18, 2000;
- l. Durkin v. Equifax Check Services, Inc., No. 00 C 4832 (N.D. Ill.) (Judge Hibbler). Certified by Minute Order dated February 12, 2001;
- m. Kremnitzer v. Cabrera & Rephen, P.C., No. 01 C 1035 (N.D. Ill.) (Judge Kocoras). Certified by Memorandum Opinion dated August 9, 2001, 202 F.R.D. 239 (N.D. Ill. 2001);
- n. Whitten v. ARS National Services, Inc., No. 00 C 6080 (N.D. Ill.) (Judge Lefkow). Certified by Memorandum Opinion dated September 26, 2001;
- o. Parker v. Risk Management Alternatives, Inc., No. 01 C 3586 (N.D. Ill.)(Judge Gettleman). Certified by Memorandum Opinion and Order dated February 25, 2002, 206 F.R.D. 211 (N.D. Ill. 2002);
- p. Jones v. Risk Management Alternatives, Inc., No. 02 C 9392 (N.D. Ill.)(Judge Aspen). Certified by Memorandum Opinion dated July 9, 2003;
- q. Wilson v. Collecto, No. 03 C 4673, (N.D. Ill.)(Judge St. Eve), Certified by Memorandum Opinion dated February 25, 2004, 2004 WL 432509;
- r. Robles v. Corporate Receivables, No. 02 C 4703(N.D. Ill.)(Magistrate Judge Levin), Certified by Memorandum Opinion dated March 2, 2004, 220 F.R.D. 306, (N.D. Ill. 2004);

- s. Mendez v. M.R.S. Associates, No. 03 C 6753 (N.D. Ill.)(Judge Pallmeyer), Certified by Memorandum Opinion and Order, dated August 3, 2004, 2004 WL 1745779;
- t. Bell v. Bowman, Heintz, Boscia & Vician, P.C., No. IP02-0373-C-B/S (S.D. Ind.)(Judge Barker), Certified by oral ruling in open court on October 1, 2004;
- u. Jackson v. National Action Financial Services, Inc., No. 04 C 1805 (N.D. Ill.)(Judge Castillo), Certified by Memorandum Opinion and Order dated April 11, 2005, 227 F.R.D. 284 (N.D.Ill. 2005);
- v. Dawson v. Allied Interstate, Inc., No. 04 C 6618 (N.D. Ill.)(Judge Guzman), Certified by Minute Order, dated September 1, 2005; and,
- w. Lau v. Arrow Financial Services, LLC, 245 F.R.D. 620 (N.D. Ill. 2007), adopting Magistrate's recommendation at 2007 WL 1502118 (N.D. Ill. 2007).

9. The following is a list of the Fair Debt Collection Practices Act class actions in which I have been appointed class counsel for settlement classes:

Broome v. Feingold, Lang & Levy, 91 C 1297 (N.D. Ill.)(Plunkett, J.); Broome v. Naughton, 93 C 2850 (N.D. Ill.)(Duff, J.); Sullivan v. Transworld Systems, 93 C 2875 (N.D. Ill.)(Marovich, J.); Blum v. ICUL, 93 C 4399 (N.D. Ill.)(Duff, J.); Blum v. Freedman, Anselmo & Lindberg, 93 C 4621 (N.D. Ill.)(Nordberg, J.); Hiestand v. Schillerstrom & Crest, Ltd., 93 C 6657 (N.D. Ill.)(Hart, J.); Hiestand v. Heller, Shapiro, Frisone & Ferleger, Ltd., 93 C 7764 (N.D. Ill.)(Guzman, J.); Hiestand v. Kilberg, 94 C 175 (N.D. Ill.)(Pallmeyer, J.); Hyland v. Meyer & Njus, P.A., 94 C 7802 (N.D. Ill.)(Nordberg, J.); Katsoulis v. Lee, 95 C 2802 (N.D. Ill.)(Lindberg, J.); Katsoulis v. Educational Funding Co. d/b/a, National Elco Collections, 95 C 2803 (N.D. Ill.)(Lindberg, J.); Levitz v. LMR Finance Corp., 95 C 3540 (N.D. Ill.)(Marovich, J.); Blum v. Robert G. Michaels & Assoc., 95 C 4079 (N.D. Ill.)(Conlon, J.); Anast v. Schuster, 95 C 5953 (N.D. Ill.)(Bobrick, J.); Gammon v. Coldata, Inc., 95 C 6607 (N.D. Ill.)(Coar, J.); Jewell v. General Revenue Corp., 96 C 0406 (N.D. Ill.)(Plunkett, J.); Schlenz v. United Recovery Service, 96 C 0432 (N.D. Ill.)(Bucklo, J.); Clayton v. Credit Sciences, 96 C 1401 (N.D. Ill.)(Norgle, J.); Thomas v. MAC/TCS, Inc., Ltd., 96 C 1519 (N.D. Ill.)(Leinenweber, J.); Mahoney v. West Capital Financial Service Corp., 96 C 1665 (N.D. Ill.)(Leinenweber, J.); Young v. Bowman, Heintz, Boscia & McPhee, P.C., 96 C 1767 (N.D. Ill.)(Andersen, J.); Riter v. Moss & Bloomberg, Ltd., 96 C 2001 (N.D. Ill.)(Pallmeyer, J.); Blum v. G.C. Services, L.P., 96 C 2167 (N.D. Ill.)(Castillo, J.); Farrell v. Hanna, 96 C 2268 (N.D. Ill.)(Nordberg, J.); Holman v. Red River

Collections, 96 C 2302 (N.D. Ill.)(Coar, J.); Jensen v. Delivery Verification Service, Inc., 96 C 2388 (N.D. Ill.)(Holderman, J.); Newman v. Boehm, Pearlstein & Bright, Ltd., 96 C 3233 (N.D. Ill.)(Pallmeyer, J.); Dumetz v. Alkade, 96 C 4002 (N.D. Ill.)(Nordberg, J.); Morris v. MaxTel Assoc. L.P., 96 C 4004 (N.D. Ill.)(Leinenweber, J.); Flowers v. Accelerated Bureau of Collections, 96 C 4004 (N.D. Ill.)(Pallmeyer, J.); Alvarez v. Krevsky & Rosen, 96 C 7586 (N.D. Ill.)(Leinenweber, J.); Depcik v. Mid Continent Agencies, Inc., 96 C 8627 (N.D. Ill.)(Bobrick, J.); Deatherage v. Rosso, 97 C 0024 (N.D. Ill.)(Bucklo, J.); Wilson v. Evans, Inc., 97 C 0173 (N.D. Ill.)(Leinenweber, J.); Mitchell v. Schumann d/b/a Doctors and Merchants Credit Service, 97 C 0240 (N.D. Ill.)(Aspen, J.); Bauer v. Wilber, 97 C 0627 (N.D. Ill.)(Nordberg, J.); Meredith v. IntegreTel, 97 C 0893 (N.D. Ill.)(Shadur, J.); Lockemy v. Comprehensive Collection Services, Inc., 97 C 1180 (N.D. Ill.)(Coar, J.); Lewis v. Payco, 97 C 1335 (N.D. Ill.)(Grady, J.); Pfeifer v. NCO Group, 97 C 2409 (N.D. Ill.)(Norgle, J.); Irvin v. Universal Credit Service, Inc. d/b/a Credit Control, 97 C 2638 (N.D. Ill.)(Moran, J.); Taylor v. Allied Interstate, Inc., 97 C 2970 (N.D. Ill.)(Bobrick, J.); Tietjen v. National Action Financial Service, 97 C 2972 (N.D. Ill.)(Guzman, J.); Al-Samarrai v. Recovery Bureau of America, Inc., 97 C 3712 (N.D. Ill.)(Bobrick, J.); Russell v. Perimeter Credit, L.P., 97 C 3713 (N.D. Ill.)(Grady, J.); Volk v. Nationwide, No. 97 C 3737 (N.D. Ill.)(Bobrick, J.); Bass v. SCA Credit Service, 97 C 4058 (N.D. Ill.)(Shadur, J.); Little v. Financial Asset Management Systems, Inc., 97 C 4185 (N.D. Ill.)(Levin, J.); Verdeyen v. Telecheck Services, 97 C 4364 (N.D. Ill.)(Levin, J.); Beagles v. McNeilly, Rosenfeld & Rubenstein, 97 C 4449 (N.D. Ill.)(Castillo, J.); Augelli v. Goggins & Lavintman, 97 C 6929 (N.D. Ill.)(Keys, J.); Gula v. Nationwide Credit, Inc., 97 C 7907 (N.D. Ill.)(Plunkett, J.); Gurgone v. Surpas Resource Corporation, 97 C 8282 (N.D. Ill.)(Shadur, J.); Gurgone v. Retrieval Masters Creditors Bureau, Inc., 97 C 8203 (N.D. Ill.)(Keys, J.); Ryan v. Retrieval Masters Creditors Bureau, IP97-594-C H/G (S.D. Ind.)(Godich, J.); Carroll v. Dymacol, IP97-1190-C B/S (S.D. Ind.)(Barker, J.); Lee v. The Credit Bureau of Greater Indianapolis, IP97-1547-C M/S (S.D. Ind.)(McKinney, J.); Williams v. Coldata, Inc., IP97-2010-C-B/S (S.D. Ind.)(Barker, J.); Goslee v. Franklin Mint, 97-8055 (E.D. Penn.)(Ludwig, J.); Sanders v. Jackson, 98 C 0209 (N.D. Ill.)(Denlow, J.); Ketchum v. Accelerated Bureau of Collections, 98 C 0905 (N.D. Ill.)(Holderman, J.); Riccio v. Eskanos & Adler, 98 C 1298 (N.D. Ill.)(Bobrick, J.); Farley v. Diversified Collection Services, Inc., 98 C 2108 (N.D. Ill.)(Manning, J.); Morris v. Trauner, Cohen & Thomas, 98 C 3428 (N.D. Ill.)(Castillo, J.); Palmer v. Mann, Bracken, Layng & Knezo, 98 C 3485 (N.D. Ill.)(Williams, J.); Stiffler v. Dymacol, Inc., et al., IP98-0471-C B/S (S.D. Ind.)(Barker, J.); West v. Hanna, IP 98-0637-C-Y/S (S.D. Ind.)(Young, J.); Kitkowski v. LTD Financial Services, 98 C 3650 (N.D. Ill.)(Holderman, J.); Bato v. Allied, 98 C 4957 (N.D. Ill.)(Moran, J.); Hill v. Aman Collection Services, IP98-1226-C-G/T (S.D. Ind.)(Godich, J.); Moran v. Dun & Bradstreet, 98 C 3293 (N.D. Ill.)(Gettleman, J.); Jones v. Titan Diversified, 98 C 4043 (N.D. Ill.)(Schenkier, J.); Means v. Assetcare, Inc., IP99-0211 C B/S (S.D. Ind.)(Barker, J.); Elmore v. Chase Receivables, Inc., IP99-0090 C-M/S (S.D. Ind.)(McKinney, J.); Bowman v. Credit Union Center of Indianapolis, Inc., IP98-1591 C B/S (S.D. Ind.)(Barker, J.); Poulos v. Retrieval Masters Creditors

Bureau, Inc., IP99-0083 C B/S (S.D. Ind.) (Barker, J.); Edwards v. Delivery Verification Service, Inc., IP98-1505 C M/S (S.D. Ind.) (McKinney, J.); Yarbrough v. Financial Collection Agencies, 98 C 3720 (N.D. Ill.) (Zagel, J.); Shepherd v. United Compucred Collections, 99 C 433 (N.D. Ill.) (Lefkow, J.); Shepherd v. Mid Am Recovery Services, Inc., 99 C 1607 (N.D. Ill.) (Coar, J.); Garcia v. International Mercantile Company, Inc., 99 C 1731 (N.D. Ill.) (Castillo, J.); Huse v. Collection Associates, IP 99-1172 C-M/S (S.D. Ind.) (McKinney, J.); Reed v. Windham Associates, IP99-1048 C-D/F (S.D. Ind.) (Dillin, J.); Freeman v. Profit & Loss Inc., IP99-1049 C-T/G (S.D. Ind.) (Tinder, J.); Rankin v. L. J. Ross Associates, IP99-1050 C-M/S (S.D. Ind.) (McKinney, J.); Bell v. United Compucred Collections, Inc., IP99-1391 C-S/M (S.D. Ind.) (Shields, J.); Huse v. Atlas Corporation, IP99-1441 C-H/G (S.D. Ind.) (Hamilton, J.); Reyes v. ChexSystems, Inc., 98 C 2822 (N.D. Ill.) (Moran, J.); Tatum v. Capital Recovery Associates, 99 C 2738 (N.D. Ill.) (Levin, J.); Sykes v. Martel Management, 99 C 6586 (N.D. Ill.) (Gettleman, J.); Szymczak v. Martel Management, 99 C 6587 (N.D. Ill.) (Kocoras, J.); Roberts v. NCO Financial Systems, Inc., IP99-1869 C-F/Y (S.D. Ind.) (Foster, J.); Willis v. Weltman, Weinberg & Reis Co., L.P.A., IP00-1024-C-T/G (S.D. Ind.) (Tinder, J.); Dorsey v. National Action Financial Services, Inc., IP00-1025-C-G/H (S.D. Ind.) (Godich, J.); McCracken v. Deluxe Payment Protection Systems, IP00-1621-C-S/M (S.D. Ind.) (McKinney, J.); McCracken v. Trac-A-Chec, IP00-1796-C-H/G (S.D. Ind.) (Hamilton, J.); Raison v. Credit Bureau Systems, IP00-1797-C-G/H (S.D. Ind.) (Godich, J.); Worthington v. Unterberg & Associates, IP00-1987-C-B/S (S.D. Ind.) (Barker, J.); Ketchum v. OSI Collection Services, IP00-1620-C-B/S (S.D. Ind.) (Barker, J.); Dublinski v. NCO Financial Systems, 01 C 0260 (N.D. Ill.) (Zagel, J.); Brown v. Merchants & Medical Credit Corporation, IP01- 0101-C-B/S (S.D. Ind.) (Barker, J.); Barkdull v. NCO Financial Systems, IP00-1989-C-G/H (S.D. Ind.) (Godich, J.); Stewart v. G.H. And Associates, IP00-1988-C-G/H (S.D. Ind.) (Godich, J.); Kinch v. NCO Financial Systems, IP01-0801-C-S/M (S.D. Ind.) (Shields, J.); Keller v. FAST, IP01-0862-C-F/D (S. D. Ind.) (Foster, J.); Wolfe v. Priority Financial Services, IP01-0077-S/M (S.D. Ind.) (Shields, J.); Evans v. Nationwide Credit and Collection, No.01 C 3653 (N.D. Ill.) (Pallmeyer, J.); Brown v. Corporate Receivables, IP00-0442-G/H (S.D. Ind.) (Godich, J.); Brown v. MS Services, IP01-0102-C-T/F (S.D. Ind.) (Tinder, J.); Winterstein v. CrossCheck, 00 C 4830 (N.D. Ill.) (Pallmeyer, J.); Dorsey v. Credit Protection Association, IP01-0945-C-G/H (S.D. Ind.) (Godich, J.); Flanigan v. International Check Services, IP01-0130-C-T/K (S.D. Ind.) (Tinder, J.); Matthews v. First Revenue Assurance, 00 C 3711 (N.D. Ill.) (Kennelly, J.); Conner v. Statewide Credit Association, IP01-0944-C-G/H (S.D. Ind.) (Godich, J.); Wilson v. NCO Financial Systems, 01 C 8925 (N.D. Ill.) (Kennelly, J.); Sowers v. Gulf State Credit, IP01-1136-C-K/H (S.D. Ind.) (Baker, J.); Thomas v. Portfolio Recovery Associates, IP01-0882-C-S/M (S.D. Ind.) (Shields, J.); Gibson v. Aman Collection Service, IP00-1798-C-T/K (S.D. Ind.) (Tinder, J.); Jackson v. Aman Collection Service, IP01-0100-C-T/K (S.D. Ind.) (Tinder, J.); Collins v. I.C. System, IP01-1707-C-K/T (S.D. Ind.) (Baker, J.); Bell v. Capital Recovery Service, IP02-0120-C-T/K (S.D. Ind.) (Tinder, J.); Komplin v. International Check Services, 01 C 7353 (N.D. Ill.) (Schenkier, J.); Raison v. Real Time Resolutions, IP02-0119-

C-K/Y ((S.D. Ind.)(Baker, J.); Allen v. NCO Financial Systems, 01 C 3992 (N.D. Ill.)(Ashman, J.); Fultz v. NCO Financial Systems, IP02-0238-C-K/T (S.D. Ind.)(Baker, J.); Reel v. National Financial Systems, IP02-0948-C-S/M (S.D. Ind.)(Shields, J.); Doss v. Glenn Daniels Corporation, 02 C 0787 (N.D. Ill.)(Ashman, J.); Thompson v. Transworld Systems, 02 C 4496 (N.D. Ill.)(Brown, J.); Thompson v. Superior Asset Management, 02 C 4498 (N.D. Ill.)(Kennelly, J.); and, Coe v. Weltman Weinberg & Reis, IP02-1303-C-S/B (S.D. Ind.)(Shields, J.); Gilliam v. Superior Asset Management, IP02-0390-C-Y/F (S.D. Ind.)(Young, J.); Scheckles v. Pioneer Credit Recovery, IP02-1304-C-K/T (S.D. Ind.)(Baker, J.) ); Ross v. United Recovery Systems, IP02-CV-1720-TAB-RLY (S.D. Ind.)(Baker, J.); Henderson v. Weltman, Weinberg & Reis Co., L.P.A., 1:03-CV-0191 VSS-SEB (S.D. Ind.)(Shields, J.); Kuzdas v. NCO Financial Systems, 03 C 3650 (N.D. Ill.)(Denlow, J.); Estes v. SRA Associates of New Jersey, 1:03-CV-0956-JDT-WTL (S.D. Ind.)(Lawrence, J.); Jones v. Risk Management Alternatives, Inc., No. 02 C 9392 (N.D. Ill.)(Denlow, J.); Mendoza v. First Revenue Assurance, No. 03 C 2837 (N.D. Ill.)(Bobrick, J.); Brinker v. Education Debt Services, No. 1:03-CV-0192-VSS-SEB (S.D. Ind.)(Shields, J.); Morrison v. Weltman, Weinberg & Reis Co., L.P.A., No. 1:04-CV-0194-VSS-SEB (S.D. Ind.)(Shields, J.); Meltzer v. Weltman, Weinberg & Reis Co., L.P.A., No. 04 C 1803 (N.D. Ill.)(Denlow, J.); Wilson v. Collecto, Inc., d/b/a Collection Company of American, No. 03 C 4673 (N.D. Ill.)(St. Eve, J.); Buchanan v. Blume, Connelly, Jordan & Stucky and Thomas L. Stucky, No. 1:04-CV-0460-VSS-SEB (S.D. Ind.)(Shields, J.); McFarland v. First Performance Recovery Corp., No. 1:04-CV-1129-TAB-RLY (S.D. Ind.)(Baker, J.); Chuway v. National Action Financial Services, Inc., No. 02 C 1247 (N.D. Ill.)(Lefkow, J.); McDaniel, McGraw and Brown v. National Action Financial Services, Inc., No. 04 C 2471 (N.D. Ill.)(Lefkow, J.); Carson v. Collection Bureau of the Hudson Valley, Inc., No. 1:04-CV-1697-VSS-SEB (S.D. Ind.)(Shields, J.); Pittman v. AmSher Collection Services, Inc., No. 05 C 1027 (N.D. Ill.)(Nolan, J.); Lane v. Solomon and Solomon, P.C., No. 1:04-CV-1560-VSS-SEB, (S.D. Ind.)(Shields, J.); Ward v. Madison Avenue Associates, Inc., No. 1:05-CV-0689-WTL-LJM (S.D. Ind.)(Lawrence, J.); Dawson v. M.R.S. Associates, No. 04 C 6482 (N.D. Ill.)(Gettleman, J.); Dawson v. Allied Interstate, Inc., No. 04 C 6618 (N.D. Ill.)(Guzman, J.); Mankowski and Sissman v. OSI Collection services, Inc., No. 04 C 6848 (N.D. Ill.)(Gottshall, J.); Eads v. Encore Receivables Management, Inc., No. 1:05-CV-1539-TAB-JDT (S.D. Ind.); Romero v. Law Offices of Mitchell N. Kay, P.C., No. 06 C 0954 (N.D. Ill.)(Guzman, J); and Lau v. Arrow Financial Services, LLC, No. 06 C 3141 (N.D. Ill.)(Guzman, J).

10. For the personnel who have worked on these matters, my firm charges \$395 per hour for my work, \$375 per hour for Mary E. Philipps' work, \$250 per hour for Bonnie C. Dragotto's work, and \$75 per hour for paralegal work. These are my firm's usual rates for both paid hourly, and contingent fee,



cases in both Chicago and Indianapolis.

11. My firm, Philipps & Philipps, Ltd., through the date of the court hearing on August 19, 2008, will have incurred \$11,433 in attorneys' fees and \$995.09 in expenses for the litigation of this matter - - a total of \$12,428.09. The contemporaneous time and expense records for the work performed by my firm in this matter are attached as Exhibit 1.

Dated: August 6, 2008

/s/ David J. Philipps  
David J. Philipps

**CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2008 a copy of the foregoing **Declaration of David J. Philipps in Support of the Award of Attorneys' Fees and Costs** was filed with the District Court. Notice of this filing will be sent to the following party via U.S. Mail, first class postage prepaid, before 5:00 p.m. on August 6, 2008.

Ryon Gambill, President  
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and d/b/a Nationwide Capital Recovery  
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/s/ David J. Philipps

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